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the barter and sale of peerages and baronetcies to the newly-rich; and trace the intimate family relationships—chiefly those of brother-in-law and cousin that serve to bind the governing group and make admission to it a matter of coöption. There is also much that is true with qualification; and there is some exaggeration. But the book was written from the inside. One of its authors has been through the mill of the Liberal Central Office in London—from which elections are managed—through the Liberal organization in a constituency, and of the House of Commons; and despite any drawbacks, the book embodies much that is valuable concerning party machinery, party finance, the making of official party programmes, the relation of political parties to the press, and the management of Parliamentary battalions in the years immediately preceding the contest between the Commons and the Lords of 1911.

EDWARD PORRITT.

*Second Chambers.* By J. A. R. MARRIOTT. (Oxford: Clarendon Press, 1910. Pp. viii, 312.)

The obvious timely interest with which this volume is invested by the impending reconstruction of the British House of Lords leads the author to explain that his book is offered to the public at the present time in the hope that it may contribute to the solution of the important problems involved in that movement. He wants it distinctly understood, nevertheless, that the present treatise is by no means a mere "livre de circonstance," but is a fragment of a larger work which has claimed much of his leisure for some years and will be published in its entirety within a reasonable time.

Mr. Marriott's expressed purpose is to supply facts tending to throw light upon the universal acceptance by civilized nations of the principle bi-cameral legislatures in the midst of great diversities of place and circumstances. This purpose he seeks to fulfill by the inductive process of describing the construction of modern constitutions and analyzing with great particularity the composition and functions of their upper legislative houses. Historical developments which seem to account for characteristic features of individual second chambers are carefully traced. Especial attention is directed to the experiences of those countries which have tried the experiment of uni-cameral legislatures, and to the influences which finally, in every instance,

brought about a return to the bi-cameral form. In his analysis of each existing constitution, the author deals principally with the theory upon which the second chamber is constructed, the method by which its members are elected, its executive and judicial powers, its authority over revenue bills, and its relative strength and importance in comparison with the corresponding popular chamber.

Mr. Marriott's account of the United States Senate evidences an independent and satisfactory conception of that body's functions and powers. He points out that the Federal second chamber was the product of history and evolution, and not of a "happy accident" as Mr. Bryce and others have rather inaccurately described it. The legislative, judicial and executive powers of the Senate, in their actual working, as well as in legal theory, are in the main accurately set out and truly estimated. The statement on page 99 that two thirds of the senators present at an executive session must concur in presidential appointments as well as in the ratification of treaties may be regarded as a mere inadvertence. The American student, however, might venture to question the author's assertion that "the Senate has drawn to itself so much attention; it fills so large a space in the political life of the United States, that elections to the state legislatures are made largely, if not primarily, with a view to the election of Federal Senators." This generalization, though possibly applicable in a few instances or in certain localities, is hardly descriptive of the situation normally prevailing in the majority of the states.

The author's initial statement of the purpose of his book makes it clear at the outset that his interest is primarily in the House of Lords. Consequently, the reader is not wholly unprepared for the elaborateness of treatment accorded British and Colonial upper chambers. This same paramount interest distinctly influences the point of view from which he surveys the constitutions of the other countries. It reaches its culmination in the last and longest chapter of the book, wherein the author applies the results of his examination to the problem of reforming the House of Lords. This chapter is entitled "Some Comparisons and Conclusions and Constitutional Revision in England," and is decidedly the most interesting of all.

In the first place, Mr. Marriott is strongly of the opinion that a second chamber should be retained in England. After stating that "a bi-cameral system is necessary at least to the successful working of a genuinely federal system," he suggests that the House of Lords may be utilized to advantage for the purpose of satisfying the demand

of the Responsible Colonies of the Empire for a "more clearly defined position in the imperial economy." This situation, he thinks, can be readily met by admitting colonial representatives to the existing second chamber, thus transforming that body into an Imperial Senate. But even if Great Britain is to remain, as it is now, a unitary state, he regards the retention of a second chamber as essential to the maintenance of the Constitution, whose unwritten and flexible character renders it especially dependent upon the protection thereby afforded.

In comparison with the other second chambers which he has reviewed, the House of Lords, Mr. Marriott concludes generally, is "at once the largest, the most purely hereditary, and the least powerful." Whether the latter attribute results from either or both of the former, however, he discreetly disclaims the competency to decide.

The concluding pages of this chapter contain a discussion of the various methods devised for the reformation of the House of Lords. The proposal to annihilate it altogether he lays aside as not being at present within the field of practical politics. The suggestion to limit the so-called "veto" of the Lords he regards as "hardly less repugnant to the settled judgment of the world." Such a measure to be at all effective must result in giving to England a written constitution. This would mean that "the whole constitution must be thrown into the melting pot," from which it "would emerge in a shape very different from the imaginings of the political witches who presided over the caldron." From an undertaking so novel and gigantic Mr. Marriott visibly shrinks.

A radical reform in the constitution or composition of the House of Lords he finds much more to his liking. This, at least, "runs counter neither to the teachings of world-wide experience nor to the traditions of the English Policy." Accordingly, he reviews in turn the numerous schemes of reform that have been from time to time brought forward, from the Parke Peerage Case to Lord Newton's Reform Bill of 1907 and the Report of the Select Committee (1908) thereby provided for. This important document Mr. Marriott examines in detail, and with obvious sympathy, though not "with uncritical and unquestioning assent." He especially favors the proposal to remedy the weaknesses arising from the unwieldy number and low average capacity of the Lords—"the root difficulty, not to say the scandal, of the existing situation." In fact, the principal objection that he offers to the report is that it does not go far enough in its proposed curtailment of the members. With the committee's "inadequate appreci-

ation of Colonial aspirations and their puerile provision for meeting them," he deals in the earlier part of the chapter.

Finally, he examines and rejects the proposal for a referendum, partly because of the weaknesses which he regards as inherent in the system, but principally on account of the fundamental changes in the entire constitution that would be made necessary by its adoption.

The work exhibits the marks of exhaustive and discriminating scholarship, and the candid, lively style in which it is written makes it thoroughly readable. Apart from its intrinsic value, it possesses especial interest as the apparently unbiased judgment of a competent English scholar upon a vastly important problem of British politics.

J. WALLACE BRYAN.

*The Nature and Sources of the Law.* By JOHN CHIPMAN GRAY.  
(New York: Columbia University Press, 1909. Pp. xii, 332.)

This volume comprises a series of lectures delivered by the author at Columbia University in 1908. It is not intended as a comprehensive treatise on jurisprudence since some of the difficult and important conceptions of that science, such as possession and ownership, for example, have been omitted. Its scope is limited to a treatment of the basic theories of the science as applied to the common law, with occasional comparisons to the civil law as exemplified in the law of Rome, of Germany, of France and of Scotland.

The work is divided into two parts, the first dealing with the nature and the second with the sources of the law. Legal rights and duties, persons, the state, the law, courts, the law of nations and jurisprudence are the topics treated in part one. In dealing with the state a real service is rendered by disposing of Austin's theory of sovereignty as irrelevant to the study of jurisprudence. In a political society, the author argues, there is the machinery of government, which, generally has certain legal limitations upon its actions and which, therefore, is not absolutely supreme. The real supreme rulers of a society are those who by one means or another actually dominate over the wills of their fellows. But who these rulers are is a complicated question of fact, very difficult, if at all possible to determine. The ideal entity of the state is postulated to create something to which this machinery of government may be attached. But to impose another entity, that